

CHAPTER 8. FIRE PREVENTION.

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¹ Chapter 8, Article 1 is repealed and re-enacted. (Ord. 1913, eff. 6-17-11)

² Chapter 8, Article 3, Sections 8-9 through 8-13 is repealed and re-enacted. (Ord. 1792, eff. 7-1-05)

³ Chapter 8, Section 8-11 repealed and re-enacted. (Ord. 1898, eff. 5-28-10)

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

(1) The *International Fire Code*, 2009 Edition, including Appendix Chapters C and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fire Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Fire Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Fire Code*, 2009 Edition (“IFC”), are hereby revised:

(a) Amend **IFC § 101.1, Title**, as follows: insert: “the City of Trinidad, Colorado” where indicated.

(b) Amend **IFC § 109.3, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.

(c) Amend **IFC § 111.4, Failure to comply**, to read: Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

(d) Amend **IFC § 3404.2.9.6.1, Locations where above-ground tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(e) Amend **IFC § 3406.2.4.4, Locations where above-grounds tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(f) Amend **IFC § 3506.2, Limitations**, to read: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

¹ Chapter 8, Article 1 is repealed and re-enacted. (Ord. 1913, eff. 6-17-11)

² Chapter 8, Article 3, Sections 8-9 through 8-13 is repealed and re-enacted. (Ord. 1792, eff. 7-1-05)

³ Chapter 8, Section 8-11 repealed and re-enacted. (Ord. 1898, eff. 5-28-10)

(g) Amend **IFC § 3804.2, Maximum capacity within established limits**, to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit. (Ord. 1913, 6-17-11)

ARTICLE 2. GENERAL PROVISIONS.

Section 8-4. Fire Department – Creation and membership.

(1) There is created a Fire Department which shall consist of a Chief and as many firefighters necessary to properly handle and manipulate the apparatus of the Department, to provide adequate fire protection for the citizens of the City of Trinidad. Such protection shall be extended to the Trinidad Industrial Park and may be otherwise extended beyond the corporate limits of the City by contractual relationship with fire district corporations or other legal entities.

(2) The City Manager shall by rules and regulations define the duties, functions and powers of the Fire Department.

Section 8-5. Firefighters – Uniforms.

All members of the Fire Department are required to dress in such uniform as is or may be prescribed by Department Rules and Regulations. Uniforms shall be kept in a neat and clean condition and shall be worn at all times during hours of duty.

Section 8-6. Inspection of buildings and other premises; order to abate.

(1) It shall be the duty of the Fire Department to inspect as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the City pertaining to fire hazards.

(2) Whenever any Fire Department personnel shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of water paper, boxes, shavings, or any other highly inflammable materials, and which is so situated as to endanger life or property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he/she shall order the same to be removed or remedied. Such order shall be issued in conformance with the procedures set forth in Section 16-64 of this Code.

Section 8-7. Destruction of buildings to check fire.

In the process of combating a structure fire, the Chief of the Fire Department, or in his/her absence, his/her representative, may order any buildings that are in close proximity thereto to be removed or otherwise disposed of, for the purpose of checking such structure fire.

Section 8-8. Spectators at fire to obey orders.

Every person in the immediate vicinity of a fire, shall be subject to any obedient to any lawful order of the Chief or any firefighter in extinguishing the fire and removing the protecting property, and any person who shall neglect or refuse such orders shall be guilty of a misdemeanor.

ARTICLE 3. FIREWORKS.¹

Section 8-9. Fireworks - Casting, throwing or firing.

It shall be unlawful for any person to cast, throw or fire any fireworks of any kind within the corporate limits of the City. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 1, 5/21/85)

Section 8-10. Fireworks - Exhibition and possession.

It shall be unlawful for any person to exhibit or have in his/her possession with intent to use, give away or sell or offer for sale, any fireworks of any kind. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 1, 5/21/85)

Section 8-11.³ Fireworks - Defined.

(1) "Fireworks" as used in Sections 8-9, 8-10, and 8-11.1 shall mean any article, device, or substance of a combustible or explosive composition, or any substance or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. Fireworks include, but are not limited to, blank cartridges, toy pistols, toy canes, or toy guns in which explosives are used where the explosive content of the device or cap exceeds sixteen milligrams of pyrotechnic composition per item; firecrackers; torpedoes; sky rockets; Roman candles; cone and cylindrical fountains; spinning wheels; ground or aerial spinners; illuminating torches and colored fire in any form that utilizes a pyrotechnic composition; explosive auto alarms; chasers; toy propellant devices and toy smoke devices; cigarette loads; trick matches; trick noisemakers; any device containing an explosive or flammable compound; any tablet or device containing an explosive or flammable compound; any tablet or device containing an explosive substance, and any other device of like construction. (Ord. 1898, eff. 5/28/10)

(2) "Fireworks" shall not include:

(a) Toy caps which do not contain more than sixteen milligrams of pyrotechnic composition per item, or toy pistols, toy canes, toy guns, or other devices for use with such caps.

(b) Party poppers containing not more than sixteen milligrams of pyrotechnic composition per item that is friction sensitive; and snappers containing not more than one milligram of explosive composition per item.

¹ Chapter 8, Article 1 is repealed and re-enacted. (Ord. 1913, eff. 6-17-11)

² Chapter 8, Article 3, Sections 8-9 through 8-13 is repealed and re-enacted. (Ord. 1792, eff. 7-1-05)

³ Chapter 8, Section 8-11 repealed and re-enacted. (Ord. 1898, eff. 5-28-10)

(c) Highway flares, railway fuses, ship distress signals, smoke candles, or any other emergency signal devices only when used for emergency purposes.

(d) Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams. However, it shall be unlawful for any person under sixteen years of age to possess or use dipped sticks or sparklers unless such person is under adult supervision. It shall further be unlawful for any person under sixteen years of age to purchase dipped sticks or sparklers, or for any person to knowingly sell dipped sticks or sparklers to any person under sixteen years of age.

(e) Snake and glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units. However, it shall be unlawful for any person under sixteen years of age to possess or use such snake or glow worm pressed pellets unless such person is under adult supervision. It shall further be unlawful for any person under sixteen years of age to purchase snake or glow worm pressed pellets, or for any person to knowingly sell snake or glow worm pressed pellets to any person under sixteen years of age. (Ord. 1898, eff. 5/28/10)

Section 8-11.1 Seizure of fireworks.

Personnel of the City's Police and Fire Departments are authorized to seize, destroy or otherwise dispose of all fireworks used or possessed in violation of Sections 8-9 and 8-10 of this Code. (Ord. 1792, eff. 7/1/05; Ord. 1963, eff. 6/28/02, Ord. 1726, 6/13/03)

Section 8-12. Exemption from prohibitions.

The provisions of Sections 8-9, 8-10, and 8-11.1 shall not apply to any public or private demonstration or display of fireworks of any kind so long as a permit shall first be obtained from the Fire Chief. The Fire Chief shall determine that such demonstration or display will be conducted in a manner that is not deemed to be hazardous to life or property. In order to ensure compliance with said permit, the demonstration shall be conducted under Fire Department supervision. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 4, 5/21/85)

Section 8-13. Penalty for violation.

Any person who violates Sections 8-9 or 8-10 shall, upon conviction, be sentenced as provided in Section 1-8 and subject to the terms of Section 8-12. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 5, 5/21/85)